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Paper No. 15

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OCT 27 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

In re Application of
James Farmer
Application No. 09/510,550
Filed: February 22, 2000
For: **HIGH SPEED ACCESS SYSTEM
OVER COPPER CABLE PLANT**

This is a decision on the petition filed October 5, 2004 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

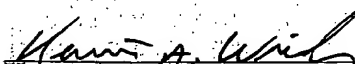
The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed January 21, 2004. A Notice of Abandonment was mailed on September 30, 2004.

Petitioner asserts that a proper response was timely filed on July 21, 2004. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response and a petition for three months extension of time within the United States Patent & Trademark Office on July 21, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.P.T.O. of all the items listed thereon on the date stamped thereon by the P.T.O." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file. The fee for three months extension of time submitted with the original response has been received and credited to the instant application.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition along with the petition for three months extension of time. From there, the file will be forwarded to the examiner for further examination in due course.


Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications